

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-439-T - ORDER NO. 2004-538
OCTOBER 28, 2004

IN RE: Application of Gregory Williams & Brent)	ORDER RESCINDING
Calcutt d/b/a Elite Limousine, 505 W. Main)	ORDER NO. 2004-28
Street, Spartanburg, SC 29301 (District 4) for)	AND GRANTING
a Class C Charter Certificate of Public)	SUSPENSION
Convenience and Necessity)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the request filed June 17, 2004, of Gregory Williams & Brent Calcutt d/b/a Elite Limousine (Elite Limousine or the Applicant) to dismiss the Applicant's prior request for change of name and to suspend the Applicant's Class C Charter Certificate of Public Convenience and Necessity (Certificate of PC&N or Certificate). Elite Limousine seeks to dismiss its request to amend Certificate No. 7178 and seeks to suspend its authority granted by Certificate No. 7178.

A review of the docket file reveals that Certificate No. 7178 was granted to Elite Limousine pursuant to Commission Order No. 2001-1025, dated October 24, 2001, wherein Elite Limousine was granted authority to render motor passenger service in South Carolina under a Class C Charter Certificate of Public Convenience and Necessity. On January 13, 2004, Elite Limousine filed a request with the Commission seeking approval of an amendment to Certificate No. 7178 by a modification to the name appearing on such Certificate. The Commission approved Elite Limousine's request for a

name change and accordingly issued Order No. 2004-28, dated January 21, 2004, which amended Elite Limousine's name and its Certificate.

In Order No. 2004-28, the Commission directed the Applicant to file an amended insurance filing regarding liability insurance reflecting the name change within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission. Further Order No. 2004-28 instructed Elite Limousine that failure to comply with the Commission requirement of filing an amended insurance filing of liability insurance within sixty (60) days from the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirement, would result in the Applicant's authorization being revoked.

The instant docket reveals that Elite Limousine has failed to comply with the directives of Order No. 2004-28. The Applicant's compliance with such filing requirements was clearly expressed as a condition precedent to receipt of the amended Certificate and to the performance of the motor carrier services authorized by Order No. 2004-28. After due consideration of Elite Limousine's request to dismiss its prior request of a name change and the fact that Elite Limousine has failed to comply with the directives of Order No. 2004-28, the Commission is of the opinion, and so finds, that its previous Order No. 2004-28 granting an amendment to Certificate No. 7178 by a change in the name appearing on such Certificate should be rescinded.

As to Elite Limousine's request for a suspension of its Certificate No. 7178, the Commission is of the opinion, and so finds, that the request should be approved. Further, the Commission determines that a suspension period of one (1) year from the date of this Order to be appropriate.

IT IS THEREFORE ORDERED:

1. That Commission Order No. 2004-28, dated January 21, 2004, granting an amendment to Elite Limousine's Class C Charter Certificate of Public Convenience and Necessity is rescinded.

2. That the relief requested by Elite Limousine is approved and Elite Limousine's authority granted by Order No. 2001-1025, dated October 24, 2001, is suspended for a period of one (1) year until **October 28, 2005**.

3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSON:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)